

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 20, 2007

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 20, 2007, AT 6:35 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Joel Coleman (Arrived at the meeting as noted)
Margaret K. Peterson
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Carolynn Burt
Mike Winder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Kevin Astill, Parks and Recreation Director
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Joseph Moore, CED Director
Stan Varney, Acting Fire Chief
Mike Wells, Acting Police Chief
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Hannah Thiel, CED Department

13507 **OPENING CEREMONY**

The Opening Ceremony was conducted by Dennis Nordfelt who led the Pledge of Allegiance to the Flag.

13508 **SCOUTS**

Mayor Nordfelt welcomed Scout Troop No. 544 in attendance to complete requirements for the Citizenship in the Community merit badge.

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13509 **PRESENTATION OF QUARTERLY DIVISION AWARD TO THE OPERATIONS DIVISION, PUBLIC WORKS DEPARTMENT**

Councilmember Brooks read a nomination letter and presented Phil Markham, Jeff Nosack and Todd Thompson, Operations Division of the Public Works Department, with the Quarterly Division Award.

The City Council expressed appreciation to the recipients and congratulated them on receiving the quarterly award.

13510 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

John Scott Warr, 3154 South 3600 West, addressed the City Council. Mr. Warr expressed concern regarding the new apartment facility for chronically homeless seniors to be constructed on the corner of 3100 South 3600 West. He indicated the property had been zoned 'RB' many years ago and Valley Mental Health purchased property to build senior apartments. Mr. Warr stated he did not mind that type of facility. He informed that late Thursday afternoon someone had seen an invitation regarding groundbreaking that occurred the previous day for an apartment facility for chronically homeless seniors. He stated he wondered why his neighborhood had not been informed and why it had been "fast forwarded" through the process without the neighbors being able to voice opinions. He indicated it would be a good facility, but there were concerns regarding risk factors to students of three nearby schools.

Councilmember Coleman arrived at 6:44 P.M.

Mr. Warr continued that the homeless often lived in a "lawless society" when on the streets and this particular location would not be the best. He advised there were several other neighbors who also desired to make comments. He also stated he had been told by City staff there was nothing the City could do about this facility. Mr. Warr stated he had asked the City to use influence to help the neighbors resolve this situation and he had obtained 200 signatures on a petition.

Mayor Nordfelt requested a show of raised hands of those in attendance regarding this issue.

Abigail Hansen, 2955 South 3825 West, addressed the City Council. Ms. Hansen stated her neighborhood had a disproportionate amount of high density housing and low-income housing. She acknowledged the need for a facility such as this, but stated her area had enough of them. She requested the City support the

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residents in finding another location for the facility. Ms. Hansen requested that safety of children be considered.

Daniel Chesnut, 3214 South 3690 West, addressed the City Council. Mr. Chesnut stated he worked as an adult probation and parole officer for the State of Utah, but was at the meeting representing his neighborhood. He discussed risk factors and how to mitigate those risks. He indicated this particular population (that would live in the facility) should be looked at with concern as they had many of those risk factors, including criminal history and substance abuse. He further stated the facility would mitigate one factor as it would only give them a place to stay. Mr. Chesnut quoted information from a recent Deseret News article regarding the subject facility. He indicated he was a concerned parent of four children who would walk to school near the facility.

Michelle Towlsey, 3244 South 3600 West, addressed the City Council. Ms. Towlsey stated she was a dispatcher for VECC (Valley Emergency Communications Center), was not representing the West Valley Police Department; but had done some research on calls to a similar facility in Salt Lake City. She discussed that information in detail. Ms. Towlsey stated her understanding was that the property had been zoned for senior living and the senior complex across the street only had eight calls for police services. She stated there had been 30-40 calls at a similar facility for the homeless in Salt Lake City. She stated the Police Department was already overloaded with calls and this facility would add more. Ms. Towlsey stated she felt like she and others were being used as guinea pigs as it would be the first time such a facility had been built in a residential area in Utah.

Tina Hatch, 3377 West Lemay Avenue, addressed the City Council. Ms. Hatch advised she was the PTA president of West Lake Jr. High School. She indicated there had been an oversight in planning because no one from any of the schools had been made aware of the project. She discussed legislation passed by Congress that required schools to submit safe walking routes to school and she discussed those requirements. She stated, with this facility, safe routes to schools would be compromised especially by students that used the skywalk across Bangerter on 3100 South from west of the highway. She indicated more parents would be taking their kids to school by car if this facility was built which would be the cause of more accidents and traffic congestion. Ms. Hatch also stated parents wanted to make sure the children were safe. She requested the Council consider safety of children.

Jason Jones, 3783 Corbin Way, addressed the City Council. Mr. Jones stated this would not be a low impact facility. He expressed desire to assume good intent

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and work to mitigate any issues. He stated Kerry Bate from Salt lake County Housing Authority had been good to work with, but this was a burden on the neighborhood. Mr. Jones expressed concern the neighborhood was becoming a guinea pig for this type of facility. He indicated it had been presented as a senior living facility by Valley Mental Health six years ago. He stated he felt like the project had been rushed as the neighbors just found out about it. He also stated there was a need to help the homeless and this type of facility would be great, but not in his neighborhood. Mr. Jones stated more time should be taken to find a perfect match to make it the right project for the right location. He also stated safety of children should be a priority. He indicated substance abusers, the mentally ill, and the chronically homeless had many challenges and placing them closer to a halfway house, grocery stores, and mass transit would be a better choice than in a neighborhood. He stated he understood there was not much the City could do but requested the City work with the County Housing Authority to do the right thing. He stated it would be a tragedy if something happened to one of the children. He asked for assistance in finding another location for the facility.

Pamela Elizabeth Palmer, 3155 South 3600 West, addressed the City Council. Ms. Palmer gave examples of experiences due to an adjacent Valley Mental Health facility in the neighborhood. She stated there were stray shopping carts from grocery stores, trespassing issues, and harassment from residents of the facility. She indicated as a parent she remained very concerned regarding impacts of the facility on her neighborhood.

Mayor Nordfelt noted that Kerry Bate from Salt Lake County Housing Authority was in attendance and inquired if he desired to address the concerns expressed by residents. He also thanked citizens for speaking in a polite and respectful manner while expressing their concerns. Councilmember Peterson also thanked the residents for their involvement and participation in the meeting.

Kerry Bate, 3863 Market Street, addressed the City Council. Mr. Bate stated he was grateful for the way the residents and neighbors had addressed concerns. He introduced members of his management team and chair of the board of the Salt Lake County Housing Authority. He expressed pride of the properties in West Valley City which were well managed and did not have problems atypical to any others in the City. Mr. Bate stated they participated in the Good Landlord Program and would form an advisory committee with members that included the neighbors. He stated the facility would serve senior citizens and the County desired to resolve the issues of concerns.

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Councilmember Peterson stated the forum was not a public hearing and she only had found out about the issue tonight. She inquired why the proposal had changed and requested details regarding the impact and burden on the Police Department. She requested the Council receive answers regarding the issues expressed by citizens.

Councilmember Vincent inquired if there was someone on staff that could review the Good Landlord Program requirements that could possibly mitigate some of the concerns.

City Manager, Wayne Pyle, discussed the background and provided an overview of the Good Landlord Program. He indicated the Good Landlord Program had been beneficial in mitigating some of the problems, concerns and issues with landlords and/or tenants of apartments and rental units. He indicated the Salt Lake County Housing Authority was a member of the Good Landlord Program. Mr. Pyle answered questions from members of the City Council regarding the Good Landlord Program and remedies for solving problems.

Councilmember Coleman inquired how far the project was in the process. City Manager, Wayne Pyle, advised the project had gone through the City process and they had permission to move forward as it was a permitted use.

Mayor Nordfelt stated this was a complex designed to improve the life of those that had been chronically homeless, however, that should not be an issue based on Federal requirements. He stated the frustration was that everything that should have been done according to State, Federal and City requirements had been done; however, this was a controversial issue. He indicated those involved in the issue such as the neighbors should have been involved in the process via a public hearing even though it was not legally required. Mayor Nordfelt stated the City should continue to have a dialogue to find a “win-win” situation and suggested Mr. Warr take the responsibility that a small group of neighbors and a member of the City Council meet with Mr. Bate to discuss issues and see if some concerns could be mitigated. Mr. Warr and Mr. Bate agreed to proceed in that manner.

Councilmember Brooks stated he understood there were homes in the City that were used as transitional housing for the homeless.

Councilmember Vincent stated there was already a certain number of assisted housing in that area and every City needed to take some of that load. He expressed concern that it appeared to be concentrated in this certain area and not more spread out.

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Councilmember Peterson stated she could not envision this project in certain areas in Sandy or Holladay.

Upon inquiry, Mayor Nordfelt asked if there was a member of the City Council to serve on a committee. Councilmember Brooks pointed out the subject location was in Councilmember Coleman's district. Councilmember Coleman stated he would like to talk about it before taking on this assignment as he had some personal matters to attend to before making a commitment. After further discussion, Mayor Nordfelt committed that one elected official would participate in the discussion.

Mayor Nordfelt stated he would follow up with other mayors regarding facilities such as these, but had heard that fears were sometimes unfounded. He stated there could be problems but possibly no more than other complexes of similar size. He also related a personal experience regarding facilities managed by Salt Lake County Housing Authority and he expressed appreciation for their willingness to continue that effort.

Mayor Nordfelt again expressed appreciation to the citizens in attendance at the meeting and, in particular, the manner in which they had conducted themselves.

13511 **PUBLIC HEARING, APPLICATION NO. ZT-8-2007, FILED BY WEST VALLEY CITY, REQUESTING TO AMEND SECTIONS 7-1-103 AND 7-6-304 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REPEALING THE DEFINITION FOR A CRISIS NURSERY AND COUNSELING CENTER FROM THE LIST OF CONDITIONAL USES**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled November 20, 2007, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. ZT-8-2007, filed by West Valley City, requesting to amend Sections 7-1-103 and 7-6-304 of Title 7 of the West Valley City Municipal Code repealing the definition for a crisis nursery and counseling center from the list of conditional uses. He discussed proposed Ordinance No. 07-69 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-69 which would amend Sections 7-1-103 and 7-6-304 of Title 7 of the West Valley City Municipal Code repealing the definition for a crisis nursery and counseling center from the list of conditional uses.

Mr. Pyle stated upon further review of language adopted on August 21, 2007, in a zoning ordinance amendment, staff recommended the use was not appropriate in

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an 'R-1' zone and recommended the following language be repealed from the West Valley City Municipal Code:

7-1-103(49) "Crisis Nursery and Counseling Center" means a home on at least ½ acre of property licensed by the State as a residential support program to provide temporary, short-term child care for up to 72 hours for the primary purpose of child abuse prevention which may include counseling as an accessory use."

7-6-304 Conditional Uses

(6) Crisis Nursery and Counseling Center

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 07-69, AMENDING SECTIONS 7-1-103 AND 7-6-304 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REPEALING THE DEFINITION FOR A CRISIS NURSERY AND COUNSELING CENTER FROM THE LIST OF CONDITIONAL USES

The City Council previously held a public hearing regarding Application No. ZT-8-2007, filed by West Valley City, and proposed Ordinance No. 07-69 which would amend Sections 7-1-103 and 7-6-304 of Title 7 of the West Valley City Municipal Code repealing the definition for a crisis nursery and counseling center from the list of conditional uses.

After discussion, Councilmember Coleman moved to approve Ordinance No. 07-69, an Ordinance Amending Sections 7-1-103 and 7-6-304 of Title 7 of the West Valley City Municipal Code by Repealing the Definition for a Crisis Nursery and Counseling Center from the List of Conditional Uses. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Peterson	Yes
Mayor Nordfelt	Yes

Unanimous.

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13512 **PUBLIC HEARING, APPLICATION NO. ZT-2-2007, FILED BY WEST VALLEY CITY, REQUESTING TO AMEND THE SIGN ORDINANCE, TITLE 11, SECTION 5 OF THE WEST VALLEY CITY MUNICIPAL CODE, TO ADD ELECTRONIC MESSAGE SIGNS (PUBLIC HEARING CONTINUED FROM REGULAR MEETING OF AUGUST 28, 2007)**

City Manager, Wayne Pyle, stated a continuation of a public hearing had been advertised for the Regular Council Meeting scheduled November 20, 2007, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. ZT-2-2007, filed by West Valley City, requesting to amend the Sign Ordinance, Title 11, Section 5 of the West Valley City Municipal Code, to add electronic message signs. He discussed proposed Ordinance No. 07-53 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-53 which would amend Chapters 11-1, 11-5 and 11-6 of Title 1 of the West Valley City Municipal Code regarding electronic message signs.

Mr. Pyle stated currently the Sign Ordinance allowed electronic message signs in the 'C-2,' 'C-3' and 'M' zones. He further stated although electronic message signs were allowed in those zones, there were no guidelines specifying regulations for electronic message signs. He indicated with a growing demand for this type of sign, it seemed an appropriate time to update the ordinance to include regulations for electronic message signs, as well as "clean up" some language concerning to all signs.

The City Manager reported the proposal had been continued by the City Council on August 28, 2007, to allow additional time to reassess the wording of the proposed zone text change with West Valley City businesses.

Mr. Pyle indicated the proposed text change would add a section regarding electronic message signs and modify the existing ordinance regarding freeway-oriented pole signs, number of pole signs allowed per frontage, as well as monument signs on corner lots. He further indicated the existing ordinance minimally referred to electronic message signs which created confusion as to the City's standards. He stated, furthermore, the freeway-oriented signs section was not as clear as it could be regarding the height exception. The height exception allowed the signs to go 65 feet tall at the minimum front yard setback of 30 feet (derived from the maximum setback for the maximum height in the Manufacturing zone). This rule had been in practice by staff, but was not very clear in writing. He explained pole signs were regulated in terms of distance to each other, but staff felt that only one pole sign was needed per frontage with the

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exception of freeway oriented properties. He stated monument signs were permitted as one per 200 feet of frontage. He indicated it had been the practice that if a business was on a corner lot that business owner could have one sign per side with street frontage, which was currently not very clear in the existing ordinance.

The City Manager stated the proposed text change would allow electronic message signs in the 'C-2,' 'C-3' and 'M' zones. He also stated the signs would have restrictions on brightness during the day and the night, percentage of monument, wall or pole sign the electronic message sign could use, and distance to a residential property line. The text change would also allow electronic message signs in the 'RB,' 'B/RP,' and 'C-1' zones, with slightly more strict regulations as those zones often bordered residential properties. Electronic signs in the 'RB' zone were only permitted if the parcel had at least five acres. The signs would have restrictions on brightness during the day and would have to be turned off at night. They would also be restricted by percentage of the size of the monument, wall or pole sign the electronic message sign could use, distance to a residential property line. He indicated the term for brightness was also added to the definitions section, and the definition for animation had been updated. Finally, the electronic message signs were referenced in the zones for which they applied in the Sign Ordinance.

City Manager, Wayne Pyle, reported the Planning Commission had approved the proposed zone text change with two conditions including freeway oriented signs did not have to be turned off at night, and freeway oriented pole signs could use 100% of the sign area for an electronic message sign. He stated another condition was that frontages having more than one electronic message sign would have to be reviewed by the Planning Commission as a conditional use. He also stated those conditions had been changed in the proposed ordinance. He indicated a third condition provided for the sign ordinance to be reviewed again in one year to assess the practicality of the ordinance.

Mayor Nordfelt stated the public hearing had remained open from the Regular Council Meeting held August 28, 2007, and invited public comments. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

Mayor Nordfelt stated a representative from Reagan Outdoor Advertising had left a voice message stating they were satisfied with the proposed ordinance.

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ACTION: ORDINANCE NO. 07-53, AMENDING CHAPTERS 11-1, 11-5 AND 11-6 OF TITLE 11 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING ELECTRONIC MESSAGE SIGNS

The Council previously held a public hearing regarding Application No. ZT-2-2007 and proposed Ordinance No. 07-53 which would amend Chapters 11-1, 11-5 and 11-6 of Title 11 of the West Valley City Municipal Code regarding electronic message signs.

After discussion, Councilmember Vincent moved to approve Ordinance No. 07-53, an Ordinance Amending Chapters 11-1, 11-5 and 11-6 of Title 11 of the West Valley City Municipal Code Regarding Electronic Message Signs. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Peterson	Yes
Mayor Nordfelt	Yes

Unanimous.

13513

RESOLUTION NO. 07-235, APPROVE PURCHASE OF TWO TEN WHEELER INTERNATIONAL CAB AND CHASSIS AND ONE INTERNATIONAL BOBTAIL CAB AND CHASSIS FROM LAKE CITY INTERNATIONAL FOR USE BY THE PUBLIC WORKS DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 07-235 which would approve purchase of two ten wheeler International cab and chassis and one International bobtail cab and chassis from Lake City International in an amount not to exceed \$249,828.67, for use by the Public Works Department.

Mr. Pyle stated Lake City International was the dealer for the State Contract. He further stated the Public Works Department had two 1997 Freightliner ten wheeler trucks and one 1997 Freightliner bobtail truck that were used for snow removal and hauling of assorted materials. He indicated the trucks were now beyond their serviceable years and needed to be replaced.

The City Manager reported due to the large discount on the State Contract, the cost of the two 2008 ten wheeler cab and chassis would be \$185,694.54 (\$92,847.27 each), and one bobtail cab and chassis would be \$64,134.13, for a total of \$249,828.67 for all three units.

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After discussion, Councilmember Brooks moved to approve Resolution No. 07-235, a Resolution Approving the Purchase of Two Ten Wheeler International Cab and Chassis and One International Bobtail Cab and Chassis from Lake City International for use by the Public Works Department. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Peterson	Yes
Mayor Nordfelt	Yes

Unanimous.

13514

RESOLUTION NO. 07-236, AUTHORIZE CHANGE ORDER NO. 3 TO THE CONTRACT WITH KILGORE PAVING AND MAINTENANCE FOR CONSTRUCTION OF THE 2007 PULVERIZATION PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 07-236 which would authorize Change Order No. 3 to the Contract with Kilgore Paving and Maintenance in the amount of \$98,612.36 for construction of the 2007 Pulverization Project.

Mr. Pyle stated the subject change order covered the cost to add to the original contract the asphalt overlay of 3100 South from 5400 West to 5600 West. He further stated the subject section of roadway on 3100 South would benefit greatly from an overlay and would be completed immediately following construction of the road widening by Zions Securities.

After discussion, Councilmember Peterson moved to approve Resolution No. 07-236, a Resolution Authorizing Change Order No. 3 to the Contract with Kilgore Paving and Maintenance for the Construction of the 2007 Pulverization Project. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Peterson	Yes

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Mayor Nordfelt Yes

Unanimous.

13515

RESOLUTION NO. 07-237, AUTHORIZE THE CITY TO PURCHASE RECYCLING CONTAINERS FROM TOTER INCORPORATED FOR USE BY THE CITY'S RECYCLING PROGRAM

City Manager, Wayne Pyle, presented proposed Resolution No. 07-237 which would authorize the City to purchase recycling containers from Toter Incorporated in an amount not to exceed \$1,350,160.00 for use by the City's recycling program.

Mr. Pyle stated in response to the City's request for proposals four proposals had been received to furnish and distribute 28,000 recycling containers and supply additional containers as needed for the next five years. He discussed the four proposals received from all the major container suppliers, as follows:

<u>MANUFACTURER</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
Otto Environmental Systems	28,000	\$48.21	\$1,349,880
Toter Incorporated	28,000	\$48.22	\$1,350,160
Roto Industries	28,000	\$49.24	\$1,378,720
Rehrig Pacific Company	28,000	\$50.07	\$1,401,960

The City Manager reported there were several manufacturing methods used to produce garbage containers. He stated proposals had been received for both injection molded and rotational molded containers. He indicated all of the proposals received had been very close in proposed container prices and all containers came with a ten year warranty.

Mr. Pyle recommended the contract be awarded to Toter Incorporated for their model 79296 rotationally molded container. He indicated the cost of that can would be slightly higher (\$.21/can, less than 0.5%) than the lowest proposal received. He stated the City's experience had been that rotationally molded containers were more durable than the injection molded products. He indicated Salt Lake County recently selected total containers for their newly implemented recycling program. He indicated Salt Lake City had successfully used Toter containers for many years and further that Toter containers were "nestable." He further advised assembled containers could be stacked one inside another for easier distribution. He stated those advantages justified the slightly higher cost of the Toter containers.

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After discussion, Councilmember Coleman moved to approve Resolution No. 07-237, a Resolution Authorizing the City to Purchase Recycling Containers from Toter Incorporated for use by the City's Recycling Program. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Peterson	Yes
Mayor Nordfelt	Yes

Unanimous.

13516

RESOLUTION NO. 07-238, APPROVE INTERLOCAL AGREEMENT WITH THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY TO PROVIDE FOR SALES TAXES TO BE USED IN THE CITY CENTER COMMUNITY DEVELOPMENT AREA

City Manager, Wayne Pyle, presented proposed Resolution No. 07-238 which would approve an Interlocal Agreement with the Redevelopment Agency of West Valley City to provide for sales taxes to be used in the City Center Community Development Area.

Mr. Pyle stated the City and the RDA had previously entered into an agreement with the owners of the Valley Fair Mall to provide for redevelopment of the mall. He indicated the proposed agreement was a follow up document to the previous agreement and provided that, if necessary and under certain circumstances, the City would back the Agency's bonds that may be issued to provide increment to the mall redevelopment project. He further explained, in other words, the City would agree that if the Agency had a shortfall in tax increment from the mall project and was unable to make its bond payment, the City would assist the Agency by providing sales tax revenue from the mall site.

The City Manager reported the revised 2006 Redevelopment Agencies Act allowed the City to establish a Community Development Area within which increased flexibility was provided for using the City's sales taxes as development incentives.

Mr. Pyle further reported the City Center Project Area included Valley Fair Mall, Costco, and properties on the west side of Constitution Boulevard in the vicinity

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of City Hall. He stated the sales tax that may be used to fund the agreement, if it was necessary, would only come from the Valley Fair Mall property.

After discussion, Councilmember Brooks moved to approve Resolution No. 07-238, a Resolution Approving an Interlocal Agreement between West Valley City and the Redevelopment Agency of West Valley City to Provide for Sales Taxes to be used in the City Center Community Development Area. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Peterson	Yes
Mayor Nordfelt	Yes

Unanimous.

13517

RESOLUTION NO. 07-239, APPROVE DELAY AGREEMENT WITH JOSE AND FLORENCIA ARELLANO FOR CONSTRUCTION OF OFF-SITE IMPROVEMENTS ON PROPERTY LOCATED AT 1483 WEST CLAYBOURNE AVENUE

City Manager, Wayne Pyle, presented proposed Resolution No. 07-239 which would approve a Delay Agreement with Jose and Florencia Arellano for construction of off-site improvements on property located at 1483 West Claybourne Avenue.

Mr. Pyle stated the requested delayed off-site improvements included installation of curb, gutter, sidewalk and asphalt tie-in to the existing roadway. He also stated at the present time there were no existing improvements along the subject property. He indicated postponing construction of the improvements would allow time for additional development to provide similar improvements. He reported the combination of the delayed improvements from this agreement and others collected as development progressed would provide a more complete and contiguous design of curb and gutter, and sidewalk.

After discussion, Councilmember Vincent moved to approve Resolution No. 07-239, a Resolution Authorizing the Execution and Recording of a Delay Agreement between West Valley City and Jose and Florencia Arellano for Property Located at 1483 West Claybourne Avenue. Councilmember Brooks seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Peterson	Yes
Mayor Nordfelt	Yes

Unanimous.

13518 **APPLICATION NO. S-14-2007, FILED BY IVORY HOMES, REQUESTING FINAL PLAT APPROVAL FOR HIGHBURY PLACE SUBDIVISION – PHASE 1, LOCATED AT 2890 SOUTH 5400 WEST**

City Manager, Wayne Pyle, presented Application No. S-14-2007, filed by Ivory Homes, requesting final plat approve for Highbury Place Subdivision – Phase 1, located at 2890 South 5400 West.

Mr. Pyle stated the subject subdivision would be the first phase in the single-family component of the Highbury Commons development. The first phase consisted of 29 lots on 6.9 acres, equating to an overall density of 4.1 units per acre. He stated lot sizes ranged from 5,900 square feet to 10,262 square feet, with the average lot size at approximately 7,500 square feet.

The City Manager reported housing for the subdivision would be based on a development agreement. He stated home plans to be used would reflect Ivory's 2007 catalogue and select housing plans from the Advantage catalogue. He also reported all homes would be constructed using 100% masonry materials.

Mr. Pyle indicated access to the subdivision would be gained from Daybury Drive and Highbury Parkway. All streets in the subdivision would be dedicated and consist of a 54 foot right-of-way. He stated this would allow a five foot park strip and five foot sidewalk. Ivory Homes had submitted a tree planting plan for the entire subdivision. Mr. Pyle stated Ivory would provide homeowners with a voucher to purchase said trees. He also stated the residential HOA (Homeowners Association) would ensure trees were planted according to the plan.

The City Manager further reported Zion's Securities proposed to identify the Highbury community with various gateway icons, neighborhood entry features and trail markers. The illustrations of those markers had been reviewed during the preliminary plat and development agreement phase. He stated Ivory Homes

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would install smaller entry monuments off of Daybury Drive and Highbury Parkway.

Mr. Pyle stated a Development Agreement had been reviewed and approved by the City Council a few weeks ago. He indicated recommendations from the Council regarding basements and front yard fencing had been incorporated into the agreement. He also indicated the design guidelines which reflected those changes had been provided to the City Council for review.

After discussion, Councilmember Peterson moved to approve Application No. S-14-2007, filed by Ivory Homes, and give final plat approval for Highbury Place – Phase 1 Located at 2890 South 5400 West. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Peterson	Yes
Mayor Nordfelt	Yes

Unanimous.

13519 **CONVENE AS BOARD OF CANVASSERS FOR THE 2007 MUNICIPAL GENERAL ELECTION HELD NOVEMBER 6, 2007**

The City Council convened as the Board of Canvassers for the 2007 Municipal General Election held November 6, 2007.

City Manager, Wayne Pyle, presented proposed Resolution No. 07-240 which would accept and approve the results of the Municipal General Election held November 6, 2007, as shown on the Canvass Report.

Mr. Pyle stated the City Council was the legislative body for West Valley City and comprised the Board of Municipal Canvassers pursuant to Utah Code 20A-4-301(2). He indicated the Code required the Board of Municipal Canvassers meet to canvass the returns of the Municipal General Election no sooner than seven days and no later than 14 days after the election.

The City Manager reported that City Recorder, Sheri McKendrick, had previously distributed a report with final numbers including valid absentee and provisional ballots along with a final resolution with total vote counts and names of

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candidates. Mr. Pyle stated the proposed resolution also included the names of the Councilmembers-elect who would take office after taking the Oath of Office on January 7, 2008.

ACTION: RESOLUTION NO. 07-240, ACCEPTING AND APPROVING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD NOVEMBER 6, 2007, AS SHOWN ON THE CANVASS REPORT

Convened as the Board of Canvassers, and after discussion, Councilmember Brooks moved to approve Resolution No. 07-240, a Resolution Accepting and Approving the Results of the Municipal General Election Held November 6, 2007, as Shown on the Canvass Report. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Peterson	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL THE REGULAR MEETING OF TUESDAY, NOVEMBER 20, 2007, WAS ADJOURNED AT 7:43 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held November 20, 2007.

Sheri McKendrick, MMC
City Recorder